

**PATENT**

Atty Docket No.: 200314975-1  
App. Ser. No.: 10/813,730

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s):** Bruce Edward LAVIGNE et al.      **Confirmation No.:** 5129  
**Serial No.:** 10/813,730      **Examiner:** Devin E. ALMEIDA  
**Filed:** March 31, 2004      **Group Art Unit:** 2432  
**Title:** SECURE REMOTE MIRRORING

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF - PATENTS**

Sir:

The Appellant respectfully submit this Reply Brief in response to the Examiner's Answer mailed on February 18, 2010, and thus, this Reply Brief is timely filed within two months of the Examiner's Answer.

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**(1) Status of Claims**

Claims 1, 4-14 and 16-23 are pending in the present application and stand rejected.

Claims 2, 3, and 15 have been canceled.

Claims 1, 4-14 and 16-23 of this application are appealed.

**(2) Grounds of Rejection to be Reviewed on Appeal**

A. Whether claims 1, 4, 7-10, 14 and 16-23 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0213232 to Regan (hereinafter “Regan”) in view of U.S. Patent No. 6,775,769 to Inada et al. (hereinafter “Inada”) and in further view of U.S Patent No. 6,839,338 to Amara et al. (hereinafter “Amara”).

B. Whether claims 5 and 6 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada and Amara, and in further view of U.S. Patent No. 5,280,476 to Kojima et al. (hereinafter “Kojima”).

C. Whether claim 12 was properly rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara, and in further view of U.S Patent No. 6,700,867 to Classon et al. (hereinafter “Classon”).

D. Whether claim 13 was properly rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada and Amara, and in further view of U.S. Patent No. 6,947,483 to Engwer (hereinafter “Engwer”).

(3) Arguments

A. The rejection of claims 1, 4, 7-10, 14 and 16-23 under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada and Amara should be reversed.

Claims 1, 4, 7-10, 14 and 16-23 were rejected 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada and Amara. This rejection should be reversed for the same reasons set forth the Appeal Brief filed November 3, 2009.

In “Response to Argument” section of the Examiner’s Answer, the Examiner repeated the final rejection of claim 1, which has already been rebutted in the Appellant’s Appeal Brief. Thus, the Examiner did not present any new arguments against claim 1 in the “Response to Argument” section of the Examiner’s Answer. However, by repeating that Amara discloses in Fig. 4 and col. 8, lines 4-25 a sequence number field 210 in an IP header, the Examiner appears to insist that because Amara discloses a sequence number field 210 in an IP header, the combination of Regan, Inada and Amara would teach the claimed features, “wherein the first header includes an Internet Protocol (IP) destination address corresponding to the mirroring destination address and said identifier” of claim 1 (See *Examiner’s Answer*, page 20). However, that argument is respectfully traversed. Claim 1 recites that the identifier, included in the first header with an IP destination address, is “to indicate a position of the encrypted packet within an order of packets received by an exit device.” On the contrary, Amara merely discloses that the sequence number field 210 is for counting the sequence number (See col. 8, lines 14-16). The sequence number is not included with a destination address, or for indicating a position of an encrypted packet within an order of packets received by an exit device. As such, Amara fails to

teach or suggest that the sequence number field 210 is for indicating the position of encrypted packets within an order of packets received by an exit device, as claimed. Therefore, Amara fails to cure the deficiencies of Regan and Inada. As a result, the combination of Regan, Inada and Amara would not have taught “wherein the first header includes an Internet Protocol (IP) destination address corresponding to the mirroring destination address and said identifier,” wherein the identifier is “to indicate a position of the encrypted packet within an order of packets received by an exit device,” as asserted by the Examiner.

In view of the foregoing, the Examiner has failed to establish that claims 1, 4, 7-10, 14, and 16-23 are *prima facie* obvious in view of the combined disclosures contained in Regan, Inada and Amara. It is therefore respectfully requested that the rejection of claims 1, 4, 7-10, 14, and 16-23 be reversed, and these claims be allowed.

**B. The rejection of claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Kojima should be reversed.**

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Kojima. This rejection should be reversed for the same reasons set forth in the Appeal Brief filed November 3, 2009.

**C. The rejection of claim 12 under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Classon should be reversed.**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Classon. This rejection should be reversed for the same reasons set forth in the Appeal Brief filed November 3, 2009.

**D.     The rejection of claim 13 under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Engwer should be reversed.**

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Regan in view of Inada, Amara and Engwer. This rejection should be reversed for the same reasons set forth in the Appeal Brief filed November 3, 2009.

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**(4) Conclusion**

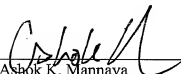
For at least the reasons given above, the rejection of claims 1, 4-14 and 16-23 described above should be reversed and these claims allowed.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 19, 2010

By

  
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